



PLANNING BOARD

Linda K. Hamlin, Chairman
Steven A. Heikin, Clerk
Robert Cook
Blair Hines
Sergio Modigliani
Matthew Oudens
Mark J. Zarrillo

Town of Brookline Massachusetts

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**BROOKLINE PLANNING BOARD MEETING MINUTES
Room 111, First Floor, Brookline Town Hall
July 28, 2016 – 7:30 p.m.**

Board Present: Linda Hamlin, Steven Heikin, Robert Cook, Sergio Modigliani, Matthew Oudens, Blair Hines and Mark Zarrillo

Staff Present: Polly Selkoe, Karen Martin

Chair Linda Hamlin called the meeting to order at 7:30 pm.

BOARD OF APPEALS CASES

50-52 Columbia Street – add roof on front porch and construct rear decks requiring relief for front and rear yard setbacks (8/4) Pct. 9

Polly Selkoe presented the case and described the relief required.

The architect, Bruce Miller, described that the owners are reconfiguring this two-family structure for a better living arrangement including more outdoor space for both the owner and rental unit. There will be general improvements to the outside to spruce it up. At the front deck, a hip roof will be constructed, returning the porch to its original design. At the rear, new decks will be constructed that cross the rear set back at one corner. One will be at the first floor level; the other at the second floor level.

Mr. Heiken inquired about the materials for the rear decks. He also questioned if the first floor rear deck should be split between the two units or if it should be dedicated entirely to the first floor unit for privacy reasons because it looks into the first floor bedroom. The applicant indicated he is flexible about this arrangement. Mr. Modigliani added that the deck's partition could be moved away from the window and that the space under the stairs could be used for storage.

Mr. Hines asked about parking arrangements.

Ms. Hamlin motioned to recommend approval.

Mr. Modigliani seconded the motion.

Voted (7-0): The Planning Board recommends approval of the plans submitted by Joseph Small, dated 4/25/16, and the plans prepared by Bruce Miller Associates, dated 6/15/16, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final plans and elevations indicating all dimensions and materials subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit a landscape plan indicating all counterbalancing amenities.
3. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan stamped and signed by a registered engineer or land surveyor; 2) final building elevations stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

246 Dudley/292 Warren Street – construct a second story addition and elevator requiring a modification of a 1987 decision which granted front yard relief for a rear lot for a one story addition (8/18) Pct. 15

Polly Selkoe presented the case and described the relief required.

The representative for the applicant described that he has interpreted the setback differently than the Planning and Building Departments. As a result, an administrative appeal was filed. The result was a recommendation to come back before the Planning Board for a modification of an existing special permit for this property from 1987 which allowed for the 4.9 foot setback. Nothing regarding this proposal changes that dimension. A very modest portion of the proposed addition falls within the setback area. The proposed addition is for a caretaker's suite which allows the current owners, the Kargmans, to age in place in their home. It will include a bedroom, bathroom and elevator.

Ms. Hamlin suggested that the ZBA would like to see elevations of the existing home.

Ms. Hamlin motioned to recommend approval.

Mr. Hines seconded the motion.

Voted (7-0): the Planning Board recommends approval of the requested relief, subject to the following conditions.

1. Prior to the issuance of a building permit, the applicant shall submit final plans and elevations (including existing conditions) indicating all dimensions and materials subject to the review and approval of the Assistant Director of Regulatory Planning.
2. A revised landscaping plan shall be submitted, depicting new plantings along the northeastern side of the home, subject to the approval of the Director of Planning and Community Development.
3. All construction vehicles shall be parked on site.

42 Brington Road/ Brington Road Lot 8 – construct a two and a half story single family dwelling on vacant lot requiring rear yard setback relief for both the new and existing structure (8/25) Pct. 6

Polly Selkoe presented the case and described the relief required.

Note: Matthew Oudens and Blair Hines recused themselves on this case.

Attorney Bob Allen, representative for the owner, gave background on this project. He explained that this case was continued from April 28, 2016. At that time, the Planning Board had requested that the applicant revise their plans to show a smaller home, reconfigured on the lot. New plans were handed out to the Board after last-minute changes. Mr. Allen said that comments from the Board were addressed; however, some neighbors felt that not enough of the recommendations had been incorporated. He said some comments were unfair regarding basement and attic space. The FAR was reduced from .42 to .39.

The architect for the project presented the revised plans. She showed the original Olmsted plan for the street showing three original lots that became two. The property's issues are caused by the two triangular-shaped lots that have two rears and one front. The structure's FAR of .39 is well below the allowed FAR of .79. She further described the changes in the plan from April 28 to today. The home was moved an additional four feet off the lot line. The landscape architect described the landscape plan.

Mr. Modigliani asked which trees on the landscape plan are existing.

Mr. Heiken asked if there are windows in the basement. The architect said no.

A discussion of the architectural changes to the home ensued. The architect described how the appearance of the home changed to create a less flat front. The roof design was changed from a hip roof to a gable roof to more closely resemble #26 and #42 Brington. Mr. Modigliani questioned the switch from hip roof to gable roof, stating that a ridge running the whole length of the home makes the image of the house from both sides more imposing. The architect believes the new design allows for more light and attic storage. Mr. Allen said that siting and view sheds were considered and that this design creates better views when you are approaching the home driving down the street.

Ms. Hamlin asked about the parking on the original lot. She asked if both spaces were for compact cars and what the dimensional requirements for parking spaces are. Ms. Selkoe stated that there are no size requirements for parking areas smaller than six spaces; however, they must be of a reasonable size to fit a car.

Mr. Cook asked about the as-of-right footprint for the home. What would be the percentage difference from the as-of-right size and the proposed size? It was determined to be about 50%. He questioned what a reasonable size house to fit on this lot would be.

Mr. Heiken noted that he was not present at the April Planning Board meeting for this project. However, he asked if neighbors have seen this new plan. (They have not). He does believe this plan fits in much better than the original plan. He asked if subdividing the lot to create a rear lot would make a difference.

A discussion took place on the parking plans. Mr. Modigliani, Ms. Hamlin and Mr. Zarrillo discussed how the proposed spaces are too small, not providing enough room to walk between or open car doors. They agreed that parking was not fleshed out, that it needs to fit better on the site and that the walkway should be moved to the other side. The proposed porch seems to be in the way of moving the driveway. The architect stated that they did not want to add to more non-conformities by seeking relief for parking.

Ms. Hamlin stated that this is an improved aesthetic but she is worried about the parking. Also, not all setback issues have been explained. Mr. Modigliani stated that he is not in support of the proposal but he leaves it up to the ZBA for final decision. Mr. Cook believes the amount of relief is too much to support. Mr. Heiken believes that the neighbors have not had the benefit of seeing the most recent plans. He sees reason to allow more dialogue. He believes the proposal is comparable in size and FAR to surrounding lots. Ms. Hamlin stated that this case is very contentious and tearing apart the neighborhood. She is not sure about the parking and believes it needs more fine tuning. Mr. Zarrillo stated that the lot is not buildable as-of-right which is why relief is needed. He does not like the parking or siting of the house - needs a different design.

Mr. Heiken asked the architect to consider Mr. Modigliani's roof recommendations.

Mr. Allen asked for a two minute break.

Public Comment:

Matt Oudens, 26 Brington: Mr. Oudens believes this is an improvement over the previous design but is still not in favor of this as a buildable lot. Due to the rear lot lines, the setback should be 30 feet. He does not think the relief can be justified. He has seen a lack of neighborhood inclusion in the process and a lack of concessions. Neighbors have not seen this most recent plan. His decision to buy his property was largely dependent on the subject lot being deemed unbuildable so he believes allowing a house would set a bad precedent.

Karen Stram, Babcock Road: This is a second example of rules changing after property was purchased and this is setting a bad precedent.

Valerie Morheim, 21 Brington: She agrees with Mr. Oudens. She believes the improvements are good but the home is still too big.

Kerry O'Donnell, 42 Brington (owner): The owner stated that when they purchased the lot, the Building Department told them that the lot was developable.

Ms. Hamlin motioned to deny approval.
Mr. Zarrillo seconded the motion.

Voted (4-1): The Planning Board recommends denial of the site plans submitted by George C. Collins, dated 4/20/16, floor plans and elevations by Hart Associates Inc., dated 7/28/16, and the landscape plan by Blair Hines Design, dated 4/3/16. (Mr. Heiken voted in favor of the project.)

36 Longwood Avenue – demolish a two-family and construct a seven unit apartment building with parking underneath requiring relief for front and rear yard setback, design of parking and design review (8/11) Pct. 3

Polly Selkoe presented the case and described the relief required.

Note: Blair Hines recused himself on this case.

Developer Mike Durand introduced the project and described the efforts between abutters and the developers to create a mutually amenable project. The process began with Preservation in December 2014 and has included 10 meetings with abutters who supported a new ground-up project. Three main issues were identified: trees, view corridors and shadow.

Mark Nielsen, architect, gave a presentation on the proposal. He gave the context of surrounding properties on Longwood Avenue. The abutting properties are multi-story brick buildings with a 15' front setback. This property will have a similar setback. The proposal gave an overview of the architectural and landscape features.

Ms. Hamlin commented that she does not like the small stairwell windows. Mr. Modigliani asked why the divided light windows were chosen. Mr. Heiken asked why two horizontal windows were used on the top right on the front façade. Could you break the eave and combined the top windows to the little windows? Mr. Zarrillo asked why the top is such a dark color.

Mr. Modigliani likes the transitional building style and the varied context. He made suggestions on the mullions and stair windows. He likes the design overall but would like to see a break between the roof and the bay roofs.

Mr. Heiken would advise relieving the blank brick wall with some details.

Mr. Oudens appreciated the design process between the abutters and developer and supports the side- yard tradeoffs.

Public Comments:

Gail Cramer, 45 Longwood: She states her building was not included in the neighborhood process. Her view corridor is being taken away because she will now look out from her porch onto the driveway wall.

Lisa Shivdasani, 51 Sewell Ave: Rear abutter, has concerns about light and privacy. She would like the owner to consider seeking relief for a driveway width of 16' to shift the entire building two feet away from the property line.

Mr. Oudens believes the shadow impacts on 51 Sewell are minor. Mr. Modigliani believes two feet would prove meaningless and a shift is not a good idea. Mr. Heiken agrees.

John D'Agastino, 45 Longwood: Is the elevator included in the height calculation? (No).

Mary Beth Elder, 45 Longwood: Asked if traffic was taken into consideration. Is the driveway two-way? (Yes.)

Karen Stram, Babcock Street: Were noise studies performed?

Eileen Wolfman, 30 Longwood: What is the curb distance compared to other buildings on the block?

Mr. Heiken mentioned that the Planning Board has previously encouraged a parking reduction. Would the applicant consider this?

Mr. Modigliani noted that when you exit the parking area, you end up on the wrong side of the ramp. Drivers would need to correct to the proper lane. A pedestrian light will be needed.

Ms. Hamlin motioned to recommend approval.

Mr. Cook seconded the motion.

Voted (6-0): The Planning Board recommends approval of the plans submitted by Hayes Engineering, dated 5/11/16, and the architectural plans by Peter Quinn Architects, dated 7/8/16, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final site plan, floor plans and elevations subject to the review and approval of the Assistant Director of Regulatory Planning after input from the Planning Board.
2. Prior to the issuance of a building permit, the applicant shall submit a final landscape plan indicating all counterbalancing amenities subject to the review and approval of the Assistant Director of Regulatory Planning.
3. In accordance with Section 4.08 of the Zoning By-law and guidelines regarding “Cash Payments in Lieu of Affordable Units,” approved January 7, 2004, and with the choice of the applicant to make cash payment in lieu of providing affordable units, the owner of the property shall make the following payment to the Brookline Housing Trust and provide the following documentation upon the sale of each unit:
A sum equal to 3.75% of the adjusted sales price of the unit (actual sales price, including the cost of all parking, less an exemption deduction of \$125,000) shall be deducted from the net proceeds due the seller for each of the seven units at 36 Longwood, and provided to the Town of Brookline in the form of a bank check, certified check or a check drawn on an Attorney Client's Fund Account, payable to the Brookline Housing Trust.

The check shall be mailed, accompanied by a copy of the HUD settlement statement, signed by the seller and buyer, and a copy of unit deed, by first class mail or hand delivery to:

Director of Planning & Community Development
333 Washington Street - 2nd Floor
Brookline, MA 02445

If any condominium unit(s) is/are to be rented by the owner instead of sold, the cash payments relative to the units being rented shall be immediately due and payable, unless, upon a request by the owner due to a significant change in market conditions, the Director of Planning and Community Development approves a different schedule of payments.

Prior to issuance of a building permit, the owner shall execute a mortgage, escrow agreement, letter of credit or other documentation approved by the Director of Planning and Community Development to secure the cash payments required by this condition.

4. Prior to the issuance of a building permit, the applicant shall submit a construction management plan including indicating where construction vehicle(s) will be parked subject to the review and approval of the Building Commissioner.
5. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan stamped and signed by a registered engineer or land surveyor; 2) final floor plans and building elevations stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

The minutes for the July 14, 2016 Planning Board Meeting were approved with amendments.

The meeting was adjourned at 10:10 p.m.

Materials Reviewed During Meeting: Staff Reports, Site Plans, Elevations